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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,826	12/29/2000	Shigeru Mizoguchi	1232-4393US1	8826

7590 11/18/2003

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345 Park Avenue  
New York, NY 10154

EXAMINER
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BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 11/18/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.



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Commissioner for Patents

## Office Action Summary

Application No.

09/751,826

Applicant(s)

MIZOGUCHI ET AL.

Examiner

Stephen M Brinich

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-44, 49, 51 and 60-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41, 44 and 60-76 is/are allowed.
- 6) ☒ Claim(s) 40, 42, 43, 49 and 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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DETAILED ACTION

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 40, 42-43, 49, & 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida (5016093) in view of Kaneko or Hibino et al.

Re claims 40, 49, & 51, Yoshida discloses (column 6, lines 43-54) an image reading device in which an interchangeable element has been supplied with a set of individual reference white balance data including at least the datum D1 applied to converter 26 and the datum D2 applied to converter 27) for that device, which is read and used in white balance correction.

Re claims 42-43, the individual reference white balance data is inherently written to the element during manufacture in response to a control input so that it is capable of the described operation.

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Yoshida does not disclose the recited elements of obtaining predetermined reference data for white balance correction in association of device identification information such that reference data corresponding to device identification information is read out from storage. The reading and use of predetermined white balance reference data in correspondence with a set of device identification information is known in the art as disclosed for example by Kaneko (Abstract) or Hibino et al. (Abstract). The use of such an arrangement in Yoshida in order to obtain the advantage of avoiding the need for new corrections for each display (an advantage described by Hibino et al. (Abstract)) would be an expedient obvious to one of ordinary skill in the art.

***Allowable Subject Matter***

3. Claims 41, 44, & 60-76 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter:

Re claim 41 (and dependent claims 73-74), the interchanging of a print head with a reading head in conjunction with a system (used by either) for retrieving a common set of reference data is not taught or suggested by the art of record.

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Re claim 44 (and dependent claims 75-76), the art of record does not teach or suggest the claimed elements of white balance adjustment in response to associated temperature measurements.

Re claims 60, 65, 69, 70, 71, & 72 (and dependent claims 61-64 & 66-68), the art of record does not teach or suggest the claimed elements of determining correspondence of white reference data and updating white reference data in response to that determination.

#### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.


If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

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Faxes pertaining to this application should be directed to  
the Tech Center 2600 official fax number, which is 703-872-9306.

  
Stephen M Brinich  
Examiner  
Art Unit 2624

smb  
November 13, 2003